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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/522,817 | 01/31/2005 | Jean-Paul Froment | 14954NP | 4861 |
| 293 7590 02/20/2009 Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314 | | | | |
| EXAMINER | | | | |
| SUTTON, ANDREW W | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3765 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,817

Applicant(s)

FROMENT, JEAN-PAUL

Examiner

ANDREW W. SUTTON

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-15, 18, 19, 21, 22 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 16, 17, 20 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-15, 18-19, 21-22, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faase (US 5,411,061) in view Wagner (US 1,142,290). Faase teaches a heddle frame with a vertical strut having a projection 18 formed within that is extends laterally therefrom that is aligned with the crossbar 22 with the projection being placed in the tubular end of the crossbar 22. Faase further teaches an adjustable locking member 32 that secures the projection 18 and would cause locking forces that are directed outwardly from within the tubular structure of the crossbar. Faase does not teach the use of a hoop completely surrounding the tubular cross member. Wagner teaches a crossbar A with a hoop D completely surrounding the crossbar with a heddle bar attached to it. It would have been obvious to one of ordinary skill in the art to modify the device of Faase with the loop of Wagner to provide a means for securing the heddles.

As to claim 2, the projection of Faase extends within the tubular end of the crossbar.

As to claim 3-4, Wagner teaches a slot parallel to the longitudinal axis between the crossbar and the heddle bar and the hoop D passing through it.

As to claim 5, the slot opens on the terminal face of the crossbar.

As to claim 6, the slot of Wagner would not open to a terminal face with the addition of the crossbar of Faase.

As to claim 7, Wagner teaches the heddle rod B in a spaced relationship from the tubular part at the terminal end.

As to claim 8, the device of Wagner has a immobilizing means D3 for the hoop portion.

As to claim 11, Wagner does not teach the use of a glue to secure the hoop to the end of the bar. It would have been been obvious to one of ordinary skill in the art to modify the device of Wagner with the use of glue as glue is commonly known in the art as a means for securing.

As to claim 12, the hoop of Wagner teaches a hoop D with an opening D² which serves as the locking member.

As to claim 13, Wagner teaches the device D being made of bent sheet metal.

As to claim 14, Faase teaches a long member 32 that would be placed between the hoop of Wagner and the end portion which would provide tension on the hoop.

As to claim 15, the locking device of Faase includes a wedge 32.

As to claim 18, the projection 18 is piece with a principal part of the strut 14 of Faase.

As to claim 19, the surface 38 of the strut would come into contact of the mechanical means 32.

As to claim 21, the device of Faase includes two oppositely inclined bearing surfaces 34 that engage the projection of the strut.

As to claim 22, the screw 24 controls the mechanical means in the direction perpendicular to the longitudinal direction.

As to claim 24, the hoop of Wagner is shown as being bent around the crossbar in Fig. 3. The applicant fails to define what hot is, therefore the rod can be considered hot.

As to claim 25, the tubular part 22 of Faase provides a slot for the projection 18.

As to claim 26, Faase teaches the heddle bar with a tubular portion and a slot in the long side of the rectangular section as shown in Fig. 4 just above the heddle support rail.

As to claim 28, the limitations are taught above.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faase (US 5,411,061) in view Wagner (US 1,142,290) in further view of Bader (US 4,112,980). Faase and Wagner teach the device substantially above. Faase and Wagner do not teach a filling material in the tubular portion. Bader teaches a filling material 13 in a heddle frame. It would have been obvious to one of ordinary skill in the art to modify the device of Fasse and Wagner with that of Bader to provide a more rigid structure.

Allowable Subject Matter

Claims 9-10, 16-17, 20, and 23 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANDREW W. SUTTON** whose telephone number is (571)272-6093. The examiner can normally be reached on Monday - Thursday 8:00-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS

12 February 2009

/Shaun R Hurley/

Primary Examiner, Art Unit 3765